

# EXEMPLIFICATION OF THE PROCEEDINGS AND JUDGMENT OF OUTLAWRY OF LOUIS RIEL.

*The Queen vs. Louis Riel.*

WINNIPEG, February 10th, 1875.

Sir.—Judgment of outlawry on an indictment for the murder of Thomas Scott at Fort Garry, on the 4th March, 1870, was this day pronounced in open Court at Winnipeg against Louis Riel, and a record of the proceedings to judgment of outlawry, and the judgment was duly filed and enrolled in Court. The judgment of outlawry in capital cases amounts to a conviction of the crime of which the defendant is indicted as much as if he had been actually tried and found guilty by the verdict of a jury; and if the defendant be apprehended and committed to prison (and any one with or without warrant may take and deliver him to prison) the Justices of Gaol delivery may at once without any previous proceedings award execution against him.

The case would, therefore, seem to fall under 32-33 V., c. 29, sec. 107, as amended by 36 V., c. 3, sec. 1, by which I am required forthwith to report the case for the information of His Excellency, in order that the pleasure of the Crown may be known thereon.

I, therefore, in addition to what I have stated, transmit under cover herewith for the information of His Excellency, and that His Excellency's pleasure may be known in respect of the same, an exemplification of the proceedings and judgment of outlawry in this case as the same are contained of record in the Court of Queen's Bench at Winnipeg, all which you will be good enough to lay before His Excellency.

I have the honor to be, Sir,

Your obedient servant,

E. B. WOOD,

The Honorable

the Secretary of State for Canada,  
Ottawa, Ontario.

CANADA.

MONDAY, 22nd February, 1875.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith.

To all to whom these presents shall come

GREETING:

[L.S.]

Know YE, that amongst the Pleas of the Crown before ourselves in our Court of Queen's Bench at Winnipeg, in our Province of Manitoba, in our Dominion of Canada, in the thirty-eighth year of our Reign.

It is contained as follows:—

“In the Queen's Bench, between

OUR LADY THE QUEEN,

Plaintiff,

and

LOUIS RIEL,

Defendant.

Pleas before our Lady the Queen, at Winnipeg, in the Province of Manitoba, in our said Court of Queen's Bench.

Amongst the Pleas of the Queen:

MANITOBA, } Be it remembered that on the fifteenth day of November  
County of Selkirk. } in the year of Our Lord one thousand eight hundred and seventy.

three, in the Court of our said Lady the Queen, before the Queen herself at Winnipeg, in the County and Province aforesaid, upon the oath of twelve jurors, good and lawful men of our said Province of Manitoba, then there sworn and charged to enquire for our said Lady the Queen for the body of our said Province; it was presented as follows, that is to say:—

CANADA, } The Jurors for our Lady the Queen upon their oaths pre-  
 Province of Manitoba. } sent that Louis Riel on the fourth day of March, in the year of Our Lord one thousand eight hundred and seventy, at Upper Fort Garry, a place then known as being, lying and situate in the district of Assiniboia, in the Red River Settlements in Rupert's Land, and now known as lying, being and situate at Winnipeg, in the County of Selkirk and Province of Manitoba, Dominion of Canada, feloniously, wilfully, and of his own malice aforethought, did kill and murder, one Thomas Scott against the form of the statute in such case made and provided, and against the peace of our Lady the Queen, her Crown and dignity. Wherefore, the Sheriff of the said Province by our writ of *capias ad respondendum* bearing date the nineteenth day of November, in the year of Our Lord one thousand eight hundred and seventy-three, was commanded by the said writ of our said Lady the Queen, that he should not forbear by reason of any liberty in his bailiwick, but that he should enter the same and take the said Louis Riel, of the Parish of St. Vital, in the County of Provencher, in our said Province of Manitoba, gentleman, if he should be found in his said bailiwick, and him cause to be safely kept, so that he might have his body before our Justices of our said Court sitting in term at Winnipeg aforesaid, in the County and Province aforesaid, for the trial of causes, criminal and civil, and holding Assize of Oyer and Terminer, and General Gaol Delivery for the Province of Manitoba on the tenth day of February, then next ensuing, to answer unto us concerning the said felony and murder whereof he is indicted as aforesaid; on which said tenth day of February, which was in the year of Our Lord one thousand eight hundred and seventy-four, the said Sheriff of the said Province returned the said writ endorsed as follows, that is to say: That the said Louis Riel was not found in his said bailiwick whereby he could be taken, as by the said writ he was commanded; and thereupon the said Sheriff by another writ of our said Lady the Queen, called an *alias* writ of *capias ad respondendum* bearing date the tenth day of February, in the year of our Lord one thousand eight hundred and seventy-four, was commanded as before he had been commanded, that he should not omit by reason of any liberty in his bailiwick, but that he should enter the same, and should take the said Louis Riel, of the said Parish of Saint Vital, in the County of Provencher, in our said Province, gentleman, if he should be found in his said bailiwick, and him cause to be safely kept, so that he might have his body before our Justices as aforesaid, sitting in term at Winnipeg aforesaid in our said Province for the trial of causes, civil as well as criminal, and holding Assize of Oyer and Terminer and General Gaol Delivery for our said Province on the tenth day of June, in the year of Our Lord one thousand eight hundred and seventy-four, to answer unto us concerning a certain felony and murder whereof he is indicted as aforesaid; on which said tenth day of June in the year of Our Lord last aforesaid, the said Sheriff returned the said last mentioned writ endorsed as follows, that is to say: That the said Louis Riel was not found within his said bailiwick whereby he could be taken as by the said writ he was commanded. And thereupon the said Sheriff by another writ of our said Lady the Queen, called a *pluris* writ of *capias ad respondendum*, was commanded, as often before he had been commanded, that he should not omit by reason of any liberty in his bailiwick, but that he should enter the same and should take the said Louis Riel, of the Parish of Saint Vital, in the County of Provencher, in our said Province, if he should be found therein, and him cause safely to be kept, so that he might have his body before the Justices of our said Court, at Winnipeg, aforesaid, in and for our said Province sitting in term for the trial of causes, civil as well as criminal, and holding Assize of Oyer and Terminer and General Gaol Delivery for our said Province, on the tenth day of October in the year of Our Lord one thousand eight hundred and seventy-four, to answer

unto us concerning a certain felony and murder of which he is indicted; on which said tenth day of October in the year last aforesaid, the said Sheriff returned the said last mentioned writ endorsed as follows, that is to say: That the said Louis Riel was not found within his said bailiwick whereby he could be taken, as by the said writ he was commanded; whereupon, by the writ of our said Lady the Queen called a writ of *Exigent*, bearing date the tenth day of October in the year of Our Lord one thousand eight hundred and seventy-four, the said Sheriff of our said Province of Manitoba was commanded that he cause to be exacted the said Louis Riel, of the said Parish of Saint Vital, in the County and Province aforesaid, from County Court to County Court for four successive County Courts in the said Province, and then at the succeeding Court of Queen's Bench, to be holden at Winnipeg, in our said Province, sitting as a Court of Oyer and Terminer and General Gaol Delivery and of Assize and *Nisi Prius*. The last exaction being the *Quinto Exactus* until he should be outlawed according to the law and custom of England, if he should not appear; and if he should appear, then the said Sheriff was commanded to take him and him safely keep, so that he might have his body before us in our said Court at Winnipeg, aforesaid, in our said Province, on the tenth day of February, in the year of Our Lord one thousand eight hundred and seventy-five, sitting as a Court of Oyer and Terminer and General Gaol Delivery and of Assize and *Nisi Prius*, to answer to us for a certain felony and murder of which he is indicted, and in respect whereof the said Sheriff hath, on divers times before, returned unto our said Lady the Queen that the said Louis Riel was not found in his said bailiwick: and, thereupon, at the same time to wit, on the tenth day of October, in the year last aforesaid, by the Writ of Proclamation of our said Lady the Queen, in which said Writ it is recited, "That our said 'Lady the Queen by her Writ of *Exigent*, having the same day of teste and return 'as that of her said Writ of Proclamation, had commanded the said Sheriff that he 'should cause to be exacted the said Louis Riel from County Court to County 'Court for four successive County Courts, and then at the succeeding Courts of 'Queen's Bench, sitting as Court of Oyer and Terminer and General Gaol Delivery 'and of Assize and *Nisi Prius*—the last exaction being the *Quinto Exactus*—until 'he should be outlawed according to the law and custom of England, if he should 'not appear; and if he should appear, that then he should take him and him safely 'keep, so that he might have his body before our Lady the Queen at Winnipeg, 'aforesaid, in the Province aforesaid, on the tenth day of February, in the year of 'Our Lord one thousand eight hundred and seventy-five to answer unto us for a cer- 'tain felony and murder whereof he is indicted as aforesaid." The said sheriff in and by the said last-mentioned writ was commanded that, by virtue of the statute in that case made and provided, he should cause three Proclamations to be made according to the form and statute in that case made and provided in the form following, that is to say: One of the same Proclamations in the open County Court, to be begun and holden in the County of Selkirk, in the Province aforesaid, on the fourth day of January, in the year last aforesaid. And another of the same Proclamations to be made at the succeeding sitting of the County Court to be begun and holden in and for the County of Lisgar, in the Province aforesaid, on the seventh day of January, in the year last aforesaid, and one other of the same Proclamations to be made one month at least before the *Quinto Exactus* by virtue of the said writ of *Exigent* at or near the most usual door of the Roman Catholic Church, in the Parish of St. Norbert, in the County of Provencher, aforesaid, upon a Sunday, immediately after Divine service and sermon, if any there be, and if no sermon there be then forthwith after Divine service, that he, the said Louis Riel, should surrender himself into the custody of him, our said Sheriff of Manitoba, before or at the time when he should be the fifth time exacted, so that he, the said Sheriff, might have his body before our said Court on the aforesaid tenth day of February, in the year last aforesaid, at Winnipeg, aforesaid, to answer to us for the felony and murder aforesaid, whereof the said Louis Riel is indicted as aforesaid; on which said tenth day of February, in the year last aforesaid, before our said Lady the Queen, at Winnipeg, aforesaid, the said Sheriff returned the said writ of Proclamation executed and

endorsed as followeth, that is to say: At the County Court holden in and for the County of Selkirk, in the said Province, on the fourth day of January in the year last aforesaid, at the County site of the said County, in open County Court, he did make the first Public Proclamation; And at the succeeding County Court holden in and for the County of Lisgar, in the Province aforesaid on the seventh day of January in the year last aforesaid at the County site of the said County, in open County Court, he did make the second Public Proclamation; And on the fourth day of January in the year last aforesaid, at and near the most usual door of the Roman Catholic Church, in the Parish of Saint Norbert in the County of Provencher aforesaid, upon a Sunday immediately after divine service and sermon, he did make another Public Proclamation, that the said Louis Riel should render himself to answer to our said Lady the Queen according to the exigency of the said writ, as he the said Sheriff was commanded; And on the same tenth day of February, in the year last aforesaid, the said Sheriff of the said Province of Manitoba returned unto us in our said Court at Winnipeg aforesaid, that by virtue of our said Writ of *Exigent* —he did at the County Court holden at Winnipeg in and for the County of Selkirk, in the Province of Manitoba, on the fourth day of January, one thousand eight hundred and seventy-five, in open County Court, demand the said Louis Riel a first time and that he did not appear; And at the County Court holden at the County site in and for the County of Lisgar in the Province aforesaid, on the seventh day of January, in the year last aforesaid, he did in open County Court demand the said Louis Riel a second time and that he did not appear; And at the County Court holden in and for the County of Provencher, in the Province aforesaid, on the eleventh day of January in the year last aforesaid, at the County site in the said County in open County Court he did demand the said Louis Riel a third time and that he did not appear; And at the County Court holden at the County site in and for the County of Marquette East, in the Province aforesaid, on the thirteenth day, of January in the year last aforesaid in open County Court he did demand the said Louis Riel a fourth time, and that he did not appear; And at the Court of Queen's Bench sitting as a Court of Oyer and Terminer and General Gaol Delivery and of Assize and *Misi Prius*, holden at Winnipeg aforesaid in our said Province and in and for our said Province, on the tenth day of February, in the year last aforesaid in open Court he did demand the said Louis Riel a fifth time, and that he did not appear as by the said writ he was commanded. Therefore, by the Judgment of Curtis Janies Bird, Esquire, Coroner for our said Lady the Queen, in and for the said Province of Manitoba, the said Louis Riel, according to the law and custom of England, is outlawed." All and singular which said premises, by the tenor of these presents, we command to be exemplified.

In testimony whereof we have caused these presents to be signed by Daniel Carey, Esquire, the Clerk of the Crown and Pleas of our said Court, and the seal of our said Court to be hereto affixed.

Witness, the Honorable Edmund Burke Wood, Chief Justice of our said Court at Winnipeg, in our said Province, this the tenth day of February in the year of Our Lord one thousand eight hundred and seventy-five, and of our reign the thirty-eighth.

Styed in open Court, this tenth day of February, A.D. 1875.

DANIEL CAREY,  
*Prothonotary and Clerk of the Crown and Pleas.*